

**U.S. DEPARTMENT OF HOMELAND SECURITY
TRANSPORTATION SECURITY ADMINISTRATION
HUMAN RESOURCES MANAGEMENT POLICY**

HRM LETTER NO. 300-10

DATE: October 1, 2003

SUBJECT: Noncompetitive Conversion of Noncompetitive Temporary Appointments to Permanent Appointments

1. Background

- A. The Aviation and Transportation Security Act (P.L. 107-71), signed into law on November 19, 2001, provides that:
 - 1) The Transportation Security Administration (TSA) is an excepted service agency, outside the personnel management rules and procedures established under Title 5 of the U.S. Code; and
 - 2) The personnel management system established by the Federal Aviation Administration (FAA) applies to TSA, but the Administrator, TSA, may make modifications to that system, subject to statutory requirements of that system.
- B. Standing up TSA to meet its national security mandate within Congressionally established deadlines constituted a critical hiring need.¹ When using a competitive process was impractical due to the exigencies of TSA's initial establishment period, TSA addressed its critical hiring need by using the flexibility afforded by the FAA system to make noncompetitive appointments not-to-exceed two years or less.
- C. Many positions held by TSA's two-year temporary appointees represent ongoing work, and filling such positions on a permanent basis remains a critical hiring need. Allowing a general expiration of the two-year temporary appointments would undermine TSA's current security operations and disrupt efforts toward reaching a steady state of providing reliable and predictable security services.
- D. Under ATSA, the Administrator, TSA, may authorize noncompetitive permanent appointments to meet critical hiring needs.

2. Scope

Subject to the conversion criteria outlined in section #4 below, this HRM Letter applies to:

- A. Non-executive (i.e., non-TSES), non-Screener positions.
- B. TSA employees serving on a noncompetitive temporary appointment of two years or less in a covered position (see #2A above), whose current appointment was effected during TSA's initial establishment period (November 19, 2001, through September 30, 2003).

¹ The Office of Personnel Management (OPM) has defined "critical hiring need" as "...[an agency's] need to fill the position(s) to meet mission requirements brought about by an emergency, potential threat, or unanticipated or unusual mission requirement, or to conform to the requirements of law, a Presidential directive or Administration initiative, or an unexpected event outside of an agency's control." 5 CFR 337.202. TSA has adopted this definition.

3. Delegations of Authority

- A. The TSA Administrator, Deputy Administrator, Associate Administrators, Assistant Administrators, and Key Directors may approve the noncompetitive conversion of temporary appointments to permanent appointments, in accordance with this HRM Letter.
- B. The authority to approve such noncompetitive conversions may be delegated to the Deputy Assistant Administrator level or Deputy Key Director level for Headquarters appointments and non-airport field appointments, and to the FSD level for airport appointments. However, the approving official must be at least two levels above the temporary appointee's position.

4. Criteria for Conversion

- A. Those with authority to approve conversions under this policy must ensure **ALL** of the following criteria are met when indicating approval:
 - 1) The temporary appointment was effected during the time period November 19, 2001, through September 30, 2003. (Temporary appointments effected during the period July 1, 2003, through September 30, 2003, require certification by the Assistant Administrator for Human Resources that the temporary appointment constituted a critical hiring need); and
 - 2) The temporary appointment was made without competition due to the exigencies of TSA's establishment to fulfill security mission requirements, and had a not-to-exceed date of two years or less; and
 - 3) The temporary appointment was made to a non-executive (i.e., non-TSES), non-Screener position; and
 - 4) The temporary appointee's position represents a permanent need, to the extent foreseeable; and
 - 5) An FTE is available to support this permanent need; and
 - 6) The temporary appointee's performance meets or exceeds expectations; and
 - 7) TSA's operational needs will be better met by converting the temporary appointment to permanent than by offering up the position for competition.
- B. Conversions may only be made "in place." That is, a temporary appointee converted to a permanent appointment under this policy will retain his/her same job series, pay band, basic pay, organization, and duty station.
- C. Conversion approvals must be documented in writing.

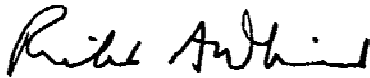
5. Conversion Procedures

- A. Those with authority to approve conversions under this policy must indicate their approval in writing during the time period September 30, 2003, through December 31, 2003. The form at Attachment 1 must be used to document approval.
- B. The complete, signed approval form (Attachment 1) and authorized SF-52 (Attachment 2) requesting conversion must be forwarded to TSA HR Services.

- C. TSA HR Services will ensure that the employee is covered by this conversion policy, and that an authorized official has completed and signed the approval form.
- D. TSA HR Services will contact the affected employee with the offer of permanent employment. TSA HR Services will explain probationary period requirements and any other terms of employment at the time of the offer.
- E. Once an employee accepts permanent employment, TSA HR Services will process the conversion in accordance with normal operating procedures.

6. Effect on Employees Not Converted to Permanent

- A. If an employee on a noncompetitive temporary appointment not-to-exceed two years or less is not covered by this HRM letter (see "Scope" under section #2 above), or is not approved for conversion to permanent during the conversion decision window (September 30, 2003, through December 31, 2003), then the employee's temporary appointment will expire on its not-to-exceed date, if not terminated earlier.
- B. Noncompetitive temporary appointments may last for a maximum of two years. Such appointments may not be noncompetitively extended beyond two years, even to a different position.



Richard A. Whitford
Assistant Administrator for Human Resources

Attachments

Filing Instructions:	File with HRM 300 Letters, Bulletins, and Guidance
Distribution:	TSA affiliated HR Offices, Administrator, Associate Administrators, Assistant Administrators, Key Directors
POC:	TSAHR/Laurie Hall/(571) 227-2828

**APPROVAL OF NONCOMPETITIVE CONVERSION:
TEMPORARY APPOINTMENT TO PERMANENT APPOINTMENT**

In accordance with HRM Letter 300-10, I approve the noncompetitive conversion of a temporary appointment not-to-exceed two years or less to permanent appointment for:

EMPLOYEE: _____ SSN: _____

TEMP APPT DATE _____
(Effective Date of Current Temporary Appointment)

POSITION: _____
(Title, Job Series, Pay Band)

ORGANIZATION: _____

DUTY STATION: _____

I certify the following regarding the above employee and his/her current temporary appointment (check each box to indicate certification):

- ☐ The employee's temporary appointment was effected during the time period November 19, 2001, through September 30, 2003.

Note: Temporary appointments effected during the period July 1, 2003, through September 30, 2003, require certification below by the Assistant Administrator for Human Resources that the temporary appointment constituted a critical hiring need.

- ☐ The employee's temporary appointment was made without competition due to the exigencies of TSA's establishment to fulfill security mission requirements, and had a not-to-exceed date of two years or less.
- ☐ The employee's temporary appointment was made to a non-executive (i.e., non-TSES), non-Screener position.
- ☐ The employee's position represents a permanent need, to the extent foreseeable.
- ☐ An FTE is available to support this permanent need.
- ☐ The temporary appointee's performance meets or exceeds expectations.
- ☐ TSA's operational needs will be better met by converting the temporary appointment to permanent than by offering up the position for competition.

Approving Official Signature

Date

Approving Official Name and Title (print)

Assistant Administrator for HR (see **Note** above.)

Date

CONVERSION TO PERMANENT EXCEPTED APPOINTMENT SF-52

[SEE SEPARATE PDF FILE]